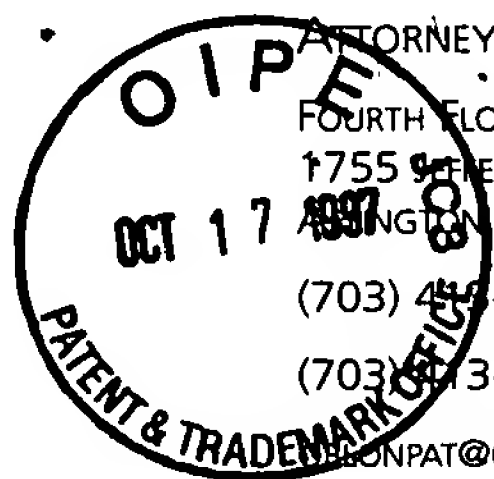


#3

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.



ATTORNEYS AT LAW
FOURTH FLOOR
1755 PETERSON DAVIS HIGHWAY
WASHINGTON, VIRGINIA 22202 U.S.A.
(703) 459-3000
(703) 459-3220 FACSIMILE
OBLONPAT@OBLON.COM

WWW.OBLON.COM

PATENT, TRADEMARK AND COPYRIGHT LAW
AND RELATED FEDERAL AND ITC LITIGATION

NORMAN F. OBLON
MARVIN J. SPIVAK
C. IRVIN McCLELLAND
GREGORY J. MAIER
ARTHUR I. NEUSTADT
RICHARD D. KELLY
JAMES D. HAMILTON
ECKHARD H. KUESTERS
ROBERT T. POUS
DAVID J. KERA
CHARLES L. GHOLZ
VINCENT J. SUNDERDICK*
WILLIAM E. BEAUMONT
STEVEN B. KELBER*
ROBERT F. GNUSE
JEAN-PAUL LAVALLEY, PH.D.
JEFFREY H. KAUFMAN
BRIAN D. ANDERSON
ROBERTA S. BREN
JOHN H. WEBER
STEPHEN G. BAXTER, PH.D.
MARTIN M. ZOLTICK
ROBERT W. HAHN, PH.D.
RICHARD L. TREANOR, PH.D.
STEVEN P. WEIHRUCH
JOHN T. GOOLKASIAN*
MARC R. LABGOLD, PH.D.*
WILLIAM J. HEALEY, PH.D.*
RICHARD L. CHINN, PH.D.
STEVEN E. LIPMAN
CARL E. SCHLIER
P. JAY HINES
JAMES J. KULBASKI
CATHERINE B. RICHARDSON*
RICHARD A. NEIFELD, PH.D.
J. DEREK MASON, PH.D.

GERALD J. MOSSINGHOFF
MILTON STERMAN
SAMUEL H. BLECH*
JOHN O. TRESANSKY*
ALTON D. ROLLINS
JAMES R. BOLER*
HARRIS A. PITLUK*
RAYMOND F. CARDILLO, JR.
MASAYASU MORI†

SURINDER SACHAR
JONATHAN HUDIS
LINDSEY A. DODSON*
FRANK J. WEST*
SHARON E. CRANE, PH.D.*
BRADLEY D. LYTLE
JOHN W. CARPENTER
CHRISTINA M. GADIANO
KARL D. KOVACH*
MICHAEL H. JACOBS
THOMAS M. RIZZO, PH.D.*
JEFFREY B. MCINTYRE*
KATHLEEN COONEY-PORTER*
ANDREW M. OLLIS
MARGO LIVESAY, PH.D.*
FREDERICK D. VASTINE, PH.D.*
PAUL E. RAUCH, PH.D.*
MICHAEL R. CASEY, PH.D.*

* BAR MEMBERSHIP OTHER
THAN VIRGINIA
* REGISTERED PATENT AGENT
† JAPANESE BENRISHI

ATTN: APPLICATION BRANCH

**THIS IS A RESPONSE TO A
NOTICE TO FILE MISSING PARTS OF APPLICATION**

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Re: 7063-001-0
Inventor: Renata Maria Anna CAVALIERE VESELY et al
Serial No: 08/813,776
Filed: March 7, 1997
For: STRAINS OF BACTERIA AND PHARMACEUTICAL
COMPOSITION CONTAINING ONE OR MORE OF SUCH
STRAINS AND USE OF SAME FOR PREVENTING AND
TREATING DISEASES ASSOCIATED WITH OR CAUSED BY
ALTERED METABOLISM OF BILE ACIDS

SIR:

Attached hereto for filing are the following papers:

**PETITION FOR THREE-MONTH EXTENSION OF TIME, FILING OF DECLARATION UNDER 37
CFR 1.53(D), EXECUTED DECLARATION, RETURN COPY OF FORM PTO-1533 (Notice to File
Missing Parts of Application)**

Our check in the amount of \$1,252.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

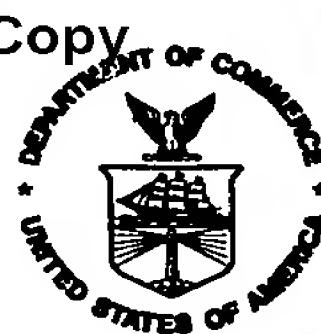
William F. Healey Reg No 36,160

Norman F. Oblon
Attorney of Record
Registration No. 24,618

Stephen G. Baxter, Ph.D.
Registration No. 32,884

MAY 23 1997

OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

08/813,776 03/07/97 CAVALIERE VESSELY R 7063-001-0



0262/0521
OBLON SPIVAK McCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HWY
ARLINGTON VA 22202

NOT ASSIGNED

DATE MAILED: 1615

05/21/97

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

Rec'd / Fees / Seq. / Reg. / 22/97

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items 1 and 3-6 only of \$ 132 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ large entity ☐ small entity (verified statement filed), is \$ 252

Repln. Ref: 11/26/1997 SBLIZZAR 00000003 08813776
DAH:150030 Name/Number: 08813776
FC: 704

☐ insufficient \$110.00 CR

Applicant must submit \$ 770 to complete the basic filing fee and/or file a verified statement claiming such status (37 CFR 1.27).
11/26/1997 SBLIZZAR 00000003 08813776
01 FC:105 130.00 CH

☐ 2. Additional claim fees of \$ 352, including any multiple dependent claim fees, are required.
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are:

- ☐ missing.
- ☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

Adjustment 5: The signature of the following joint inventor(s) is missing from the oath or declaration:
10/29/1997 JTIPPETT 00000045 08813776
04 FC:103 -110.00 OP

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$ _____ processing fee is required since your check was returned without payment (37 CFR 1.101).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☒ 8. The application does not comply with the Sequence Rules.
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the response.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

10/29/1997 JTIPPETT 00000045 08813776
02 FC:101 790.00 OP
03 FC:103 352.00 OP
04 FC:103 110.00 OP
1996-404-496/40515

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. Other: _____

Applicant must provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123
 For CRF submission help, call (703) 308-4212
 For PatentIn software help, call (703) 308-6856

Please return a copy of this notice with your response.